

ceased; and that the defendant *Margaretta Wyse*, died on the 19th of April, 1830, and her representatives, as such, have not been made parties. Whereupon it was prayed, that the decree might be rescinded, and the case reheard; and that she might be permitted to answer, &c.

Upon which an order was passed, directing that the matter of the petition should stand for hearing on the 12th of October then next; and that all further proceedings under the decree should be suspended until further order; provided, that a copy be served, &c.

13th October, 1830.—BLAND, *Chancellor*.—The petition of *Matilda Wyse*, standing ready for hearing, and having been submitted on notes by the solicitors of the parties, the proceedings were read and considered.

It is admitted, that previous to the death of *Margaretta*, the case had been set down for hearing. It is not alleged or shewn, that the interests of *Margaretta* did not survive to the other defendants in the case; and besides her representatives, if they are in fact not these defendants, are not now here complaining of this decree.

The petitioner does not pretend to have discovered any testimony which she could not have had brought into the case and used at the hearing; nor does she, in any way, specify what the nature of that testimony is which she says would have an important bearing on the merits of the plaintiff's claim. Such general and indefinite allegations cannot afford a sufficient ground for a rehearing. Although she was an infant, and had answered only by her guardian *ad litem*; yet she had attained her full age nearly three months before the decree was passed; and even now she does not impute to her guardian or solicitor any mismanagement, or neglect of her interests. Under such circumstances, and without showing any special grounds, this application must be considered as coming too late. (e)

Formerly on a creditor's bill to obtain the sale of lands charged with the payment of debts, the decree was never absolute, but *nisi causa* as against the infant heir, allowing him six months to shew cause after he attained his full age; when he was permitted to come in as a matter of course, and file a better answer, and have the case reheard upon the merits as thus newly presented; or the parol was ordered to demur as to the real estate descended